

**2009 Pesticide Regulations Revision - Public Review Version**

(Items in red have been added. Items that are struck out have been deleted.)

**18 AAC 90.205. Application for registration.** A producer seeking to register a pesticide under 18 AAC 90.215 shall submit an application to the department ~~on a form supplied~~ in the format required by the department and the fee required by 18 AAC 90.850. The application must include....

**18 AAC 90.520. Public notice requirements; public hearings.** (a) A person required to have a permit under ~~this chapter 18 AAC 90.500 or 18 AAC 90.505~~ must publish a public notice ~~in accordance with the requirements of 18 AAC 15.050.~~ as required by 18 AAC 15.050 if the proposed pesticide application is

~~(1) on~~

~~(A) a state-owned right of way, except where the proposed pesticide application is on less than 20 acres of land on a right of way wholly within the boundaries of an airport owned by either the state or a municipality;~~

~~(B) more than 20 acres of state-owned land; or~~

~~(C) land owned separately by two or more persons;~~

~~(2) to waters of the state; or~~

~~(3) applied by aircraft or helicopter.~~

(b) If a public hearing is required under 18 AAC 15.060, the applicant must

(1) publish the notice of public hearing and conduct the public hearing in accordance with 18 AAC 15.060; and

(2) provide a transcript of the hearing to the department within 15 days after the hearing.

~~(b) The department may schedule a public hearing for a permit application subject to this section if the department finds that good cause exists, even if a hearing has not been requested under 18 AAC 15.060(a).~~

~~(c) An applicant must publish the notice of public hearing no fewer than 15 days or more than 30 days before the hearing. A hearing under this section is subject to 18 AAC 15.060(c)-(h). If a public hearing is held, the applicant must provide a transcript of the hearing to the department within 15 days after the hearing. (NOTE – these items are covered under 18 AAC 15)~~

(c) ~~(d)~~ Upon receipt of a permit application for which a public notice must be published under ~~(a) of this section~~, the department may send a copy of the permit application and the public notice to appropriate local, state, and federal agencies requesting that any comments on the application be submitted in writing to the department within 21 days after the department mails out the copy.

(d) ~~(e)~~ If an applicant submits a permit application under 18 AAC 90.505 for forestry vegetation management where a pesticide is to be applied by aircraft or helicopter, the applicant

may not publish a public notice until the department sends the applicant the copy of comments or notification described in this subsection. Upon receipt of the application, the department will immediately send a copy of the permit application to the Department of Natural Resources for review and comment, requesting that any comments on the permit application be submitted in writing to the department within 21 days after the department mails out the copy. Upon receipt of those comments or the expiration of the 21-day period without receipt of comments, the department will send the applicant a copy of those comments or a notification that comments were not received. The applicant may make changes to the permit application to address any comments and must submit those changes, in writing, to the department within 10 days after the applicant receives the comments. After submitting any changes to the department, the applicant must publish public notice under (a) of this section.

(e) ~~(f)~~ An applicant for a permit for forestry vegetation management where a pesticide is to be applied by aircraft or helicopter shall make the following available for public review during the period for filing written public comments with the department

(1) comments from the Department of Natural Resources or a statement that no comments from that department were received; and

(2) a description of any changes to the permit application in response to comments from the Department of Natural Resources.

**18 AAC 90.530. Permit term.** (a) The department will send a copy of the department's decision to issue or deny a permit to the applicant and to each person who commented on the application as provided in 18 AAC 15.080.

(b) A permit takes effect no sooner than 40 days after the department issues a permit.

(c) In no case will a permit be valid for more than five years after its effective date.

~~**18 AAC 90.530. Permit term and renewal.** (a) The department will send a copy of the department's decision to issue or deny a permit to the applicant and to each person who commented on the application as provided in 18 AAC 15.080. A permit takes effect no sooner than 40 days after the department issues a permit. A permit expires on December 31 of the year it is issued unless the department assigns another expiration date. In no case will a permit be valid for more than two years after its effective date.~~

~~(b) A permit issued under (a) of this section may be renewed. The department will, in its discretion, and at the permittee's written request, renew a permit under this subsection only once and for no more than one year.~~

~~(c) A permittee who requests a renewal under (b) of this section must publish a public notice as required under 18 AAC 90.520.~~

~~(d) A renewed permit takes effect no sooner than 40 days after the department issues a renewed permit.~~

**18 AAC 90.850. Registration fee requirements.** (a) An initial or subsequent application for registration submitted under 18 AAC 90.205 must be accompanied by a fee of

- (1) \$90 for each product for which the registration application is submitted via the approved on-line registration process, which fee includes the mandatory transaction service fee, but does not include any optional convenience fees such as credit card fees; or
- (2) \$120 for each product for which the registration application is submitted directly to the department.

(b) If a producer has more than one product, the fee will be waived for the second or any subsequent product if that product has the same

- (1) EPA registration number; and
- (2) product label name.

**18 AAC 90.850. Registration fee requirements.** (a) An initial or subsequent application for registration submitted under 18 AAC 90.205 must be accompanied by a fee of ~~\$85 for each product.~~

(1) \$90 for each product for which the registration application is submitted via the approved on-line registration process, which fee includes the mandatory transaction service fee, but does not include any optional convenience fees such as credit card fees; or

(2) \$120 for each product for which the registration application is submitted directly to the department.

(b) If a producer has more than one product, the fee will be waived for the second or any subsequent product if that product has the same

(1) EPA registration number; and

(2) product label name.

(c) ~~(b)~~ If an application for a subsequent registration is not filed on or before the day the previous registration expires, an additional fee of \$15 will be assessed and added to the fee required in (a) of this section.